

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE COMPLAINT FILED)		ORDER DISMISSING
BY JOAN MACK, WATERTOWN, SOUTH)		COMPLAINT AND CLOSING
DAKOTA, AGAINST TALK.COM HOLDING)		DOCKET
CORP. D/B/A THE PHONE COMPANY)		
REGARDING UNAUTHORIZED BILLING FOR)		CT01-004
SERVICES)		

On January 23, 2001, the Public Utilities Commission (Commission) received a complaint filed by Joan Mack, Watertown, South Dakota (Complainant), against Talk.com Holding Corp. d/b/a The Phone Company (Talk.com) regarding unauthorized billing for services.

On February 5, 2001, the complaint was faxed to Talk.com. Pursuant to ARSD 20:10:01:09, Talk.com was notified that it must satisfy the complaint or file an answer in writing with the Commission by February 26, 2001. The Commission has not received an answer from Talk.com to this complaint. A hearing in this matter was scheduled for March 22, 2001. By order dated March 22, 2001, the hearing was cancelled as Commission Staff was informed that settlement had been reached in this matter.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On April 17, 2001, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 24th day of April, 2001.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: _____
Date: _____
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner